

REMARKS

The Examiner has rejected claims 1 and 7 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner has stated that the claims contain subject matter which was not described in the specification in a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

The Examiner states that the amendments to the claims contain the language “without a release coating” and the area as referenced in the response (filed February 28, 2006), namely page 8, line 5 in the original specification, provides no support for the amendment.

The Applicant respectfully traverses the Examiner’s rejection as follows:

The claimed language identifies the splice tape disposed over the splice gap and adhered to both the first and second silicon layers without a release coating.

On page 5, beginning at line 10 of the original specification, it is set forth: “A splice tape 60 is disposed over the splice gap 48 and adhesive adheres the splice tape to both the first and second silicone layers 20, 38 and enables the removal of the liners 20, 38 from the face layers 14, 32 without separation of the liners 20, 38.” Clearly, there is no mention of a release coating inasmuch as the adhesive adheres the splice tape directly to both the first and second silicone layers.

The reference to the specification on page 8 beginning at line 5 includes beginning at line 11: “Further, the invention illustratively disclosed herein suitably may be practiced in the absence of any element, which is not specifically disclosed herein.”

Accordingly, the Applicant has both directly and indirectly disclosed the application of a splice tape without a release coating. Therefore, the Applicant

respectfully requests the Examiner to withdraw the rejection of claims 1 and 7 under 35 USC 112, first paragraph.

The Examiner has also rejected claims 1 and 7 under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. In this rejection, the Examiner states that there is no description in the Applicant's specification as to how the silicone liners are constructed without involving coatings on a base layer.

The Applicant is unable to respond to this rejection due to the fact that the specification includes no reference to "a base layer". Accordingly, the Applicant respectfully requests the Examiner to withdraw the rejection of claims 1 and 7 under 35 USC 112, first paragraph.

Claims 1, 3-7, and 9-11 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over U.S. 5,472,755 to Nibling, Jr. in view of U.S. 4,633,296 to Shibata, et al., U.S. 3,616,109 to Miro, and U.S. 6,797,333 to Haase, et al.

In this rejection, the Examiner states that Nibling discloses a runnable splice (column 1, lines 6-7) comprising a first imprintable label stock having a first phase layer of paper (column 6, lines 9-16), a first liner and a pressure sensitive adhesive disposed therebetween, the first label stock having a first end disposed traverse to a length of the first label stock; a second imprintable label stock having a second phase layer of paper, a second liner and a pressure sensitive adhesive disposed therebetween, the second label stock having a second end disposed traverse to a length of the second label stock, the first and second ends being disposed in a parallel spaced apart relationship to form a splice gap therebetween.

The Examiner, however, acknowledges that Nibling, Jr. fails to disclose the imprintable label stock having a layer of thermal paper, the splice tape having a width greater than the third imprintable label in order to insure bonding between the third

printable layer and the first and second layers and silicone liners without a release coating.

Therefore, the Examiner reaches to Shibata, et al. to teach a thermal sensitive recording label having a thermal sensitive color-forming layer disposed on one side of the substrate made of paper and an adhesive layer covered with a silicone release liner for the purpose of forming a label that is used on a variety of products without fading of the color formations over long periods of time.

The Examiner also refers to Miro as teaching a splice for pressure sensitive adhesive stock wherein the splice tape has a width greater than the labels in order to insure bonding between the third printable layer and the first and second layers for the purpose of forming a continuous roll.

Haase, et al. is cited by the Examiner as teaching silicone layers without a release coating, wherein the silicone liners are formed from the layer of liquid silicone that is cured with UV radiation for the purpose of allowing adhesive material to be separated from the liner material.

The Examiner concludes it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the thermal paper, a large splice and silicone layers in Nibling, Jr. in order to form a label that is used in a variety of products without the fading of the color formation over long periods of time from a continuous roll as taught by Miro and to allow the adhesive material to be separated from the liner material as taught by Haase, et al.

Importantly, in accordance with the present invention, the splice tape is disposed over the splice gap and adhered to both the first and second silicone liners without a release coating. This firm attachment by adhesive described in the original specification enables removal of the liners from the face layers without separation of the liners from one another.

This structure of applying the splice tape to the silicone layers without a release coating enables the function of removing the liners from the face layers without separation of the liners from one another and results from a complete and continuous separation.

No structure similar to the claimed structure is taught or suggested and the references relied on by the Examiner which functions in a manner similar to that of the structure of the present invention to result in complete removal of the liners intact from the face layers without separation of the liners from one another.

The Examiner alleges that the silicone liner of Nibling enables removal of the liners from the face layer without separating the liners from one another. However, this function is enabled by a release coating 74 which is applied to the butt joint to detachify, seal, or otherwise separate only the portion of the adhesive support tape to cover the butt joint to keep the first adhesive support 68 from bonding through the butt joint with the second adhesive support layer 76 which spans the width of the label stock 52 to adhesively join abutting ends 58 and 60 of the second phase 56 of the label stock 52.

This is in direct contrast to the present invention which utilizes a splice tape disposed over the splice gap without a release coating. Accordingly, Nibling, Jr. teaches away from the present invention. In addition, none of the secondary references, namely Shibata, Miro, or Haase, et al. teach or suggests this structure.

Thus, the Applicant respectfully submits that the Examiner has not made a prima facie case of obviousness under 35 USC 103(a) of claims 1, 3-7, and 9-11 on the basis of the Nibling, Jr., Shibata, et al., Miro, and Haase, et al. references. Withdrawal of this rejection is respectfully requested.

Claims 2 and 8 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Nibling, Jr. in view of Shibata, et al., Miro, and Haase, et al. and further in view of U.S. 5,530,517 to Patton, et al.

Since Nibling fails to disclose the third label as having a width between 0.5 inches and 3 inches the Examiner relies on Patton, et al. for teaching such dimensions and concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the label with the desired width in the splicing operation.

While Patton, et al., sets forth typical widths there is no further teaching of the structure of the splices hereinabove noted. Specifically, Patton is totally silent with regard to a splice tape disposed over a splice cap and adhered to both the first and second silicone layers without a release coating and further, wherein the splice tape has a width greater than the thermal imprintable label in order to insure bonding between the third imprintable label and the first and second layers.

As set forth in the original specification on page 6, at line 28, this difference in widths enables ends 70, 72 of the splice tape 60 not to be aligned with the ends 74, 76 of the label 52 and accordingly less stress is placed between the label 52 and the paper 16, 34 during removal operation.

Thus, the present invention provides for structure not taught or suggested by any of the references or combination thereof which functions in manner as the runnable splice in accordance with the present invention for insuring integrity of the splice by utilization of a splice tape width being greater than the third imprintable tape as hereinabove noted.

In conclusion, the Applicant submits that the Examiner has not made a prima facie case of obviousness under 35 USC 103(a) for claims 2 and 8 based upon the combination of Nibling, Jr., Shibata, et al., and Patton, et al. Withdrawal of this rejection is respectfully requested.

In view of the arguments hereinabove set forth, it is submitted that each of the claims now in the application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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